

Message Text

CONFIDENTIAL

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ACTION DLOS-09

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FM USMISSION GENEVA
TO SECSTATE WASHDC 8128
AMEMBASSY BRIDGETOWN
INFO AMEMBASSY CARACAS

CONFIDENTIAL GENEVA 05286

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS: BARBADOS 12-MILE TERRITORIAL SEA LEGISLATION

1. IN A CONVERSATION ON APRIL 5 WITH MR. O.M. BROWN, SOLICITOR GENERAL OF BARBADOS, DELOFF (TAFT) INDICATED US CONCERN WITH BARBADOS 12-MILE TERRITORIAL SEA LEGISLATION AND IN PARTICULAR CITED THE PROVISION THAT PURPORTS TO REQUIRE PRIOR PERMISSION OF WARSHIPS TO TRANSIT THE TERRITORIAL SEA. BROWN INDICATED THAT THIS PROVISION WAS INSERTED TO GIVE SOME DEGREE OF PROTECTION AGAINST VENEZUELAN WARSHIPS WHICH MIGHT BE IN THE AREA. DELOFF INDICATED THAT SUCH A REQUIREMENT WAS CONTRARY TO INTERNATIONAL LAW AND THE PROVISIONS OF THE INFORMAL COMPOSITE NEGOTIATING TEXT (ICNT) AND WAS OF SERIOUS CONCERN TO USG. DELOFF INDICATED THAT THERE ARE PERHAPS OTHER WAYS TO ADDRESS THIS PROBLEM AND CITED IN PARTICULAR ARTICLE 30 OF THE ICNT REGARDING THE NON-OBSERVANCE BY WARSHIPS OF THE LAWS AND REGULATIONS OF THE COASTAL STATE. THIS PROVISION WOULD INDICATE THAT BARBADOS HAS THE RIGHT TO TAKE CERTAIN

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ACTION IN APPROPRIATE CASES.

2. BROWN OPINED THAT PERHAPS TRANSIT OF THE TERRITORIAL SEA WAS DESIRABLE IN ORDER TO SURVEY IT AND NOTED THAT BARBADOS HAD ONLY OUTDATED CHARTS AND HAD NOT EVEN DRAWN BASELINES, LET ALONE THE 12-MILE AND 200-MILE LIMITS. AS THE CONVERSATION EVOLVED, DELOFF INDICATED THAT WE MIGHT

BE ABLE TO HELP IN DRAWING UP CHARTS ILLUSTRATING BASE-LINES AND VARIOUS LIMITS OFF THE COAST OF BARBADOS.

ALTHOUGH THE STATEMENT WAS HEDGED, BROWN INDICATED THAT IF THE US COULD DO THAT HE THOUGHT BARBADOS VERY LIKELY COULD DROP THE PROVISION REGARDING PRIOR PERMISSION FOR WARSHIPS.

3. LOS DEL BELIEVES THAT USG SHOULD IN FACT ASSIST BARBADOS IN DRAWING THE VARIOUS LINES ON AN UPDATED CHART. NEEDLESS TO SAY, THOSE LINES SHOULD BE DRAWN TO GIVE FULL EFFECT TO BARBADOS' RIGHTS CONSISTENT WITH INTERNATIONAL LAW. WE WOULD, OF COURSE, WANT TO AVOID ANY IMPLICATION THAT WE ENDORSE THEIR 12-MILE LIMIT REGARDLESS OF WHETHER THEY MAKE CHANGES TO OTHER OFFENSIVE PROVISIONS OF THEIR LEGISLATION. AT THE SAME TIME, IF WE DRAW UP CHARTS ILLUSTRATING BASELINES AND OTHER LIMITS THERE IS A FAIR CHANCE THAT BARBADOS WILL ACCEPT THEM AS SUCH AND AT LEAST WE WILL HAVE AVOIDED SOME OF THE EXCESSES THAT HAVE BEEN SHOWN BY OTHER COUNTRIES IN DRAWING SUCH LINES.

4. ACTION REQUESTED: DEPARTMENT IS REQUESTED TO CABLE COPY OF BARBADOS LEGISLATION ASAP. UNLESS DEPARTMENT OR AMEMBASSY BRIDGETOWN PERCEIVES OBJECTION LOS DEL WILL PROCEED ALONG LINES NOTED ABOVE. INR/RGE IS REQUESTED IN THIS CONNECTION TO DRAW LINES AND POUCH CHARTS, ATTENTION G. TAFT. RICHARDSON

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